

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE AMERICAN BOTTLING COMPANY d/b/a  
KEURIG DR PEPPER  
Employer

and

Case 13-RC-243320

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 727  
Petitioner

ORDER

The Employer's Requests for Review of the Regional Director's Decision and Direction of Election and Decision on Objections and Certification of Representative are denied as they raise no substantial issues warranting review.<sup>1</sup>

LAUREN McFERRAN, MEMBER

---

<sup>1</sup> In denying review of the Regional Director's direction of an election among the petitioned-for account managers and sales service representatives (SSRs), we rely on the Regional Director's well-reasoned determination that the proposed contraction of the unit by elimination of the SSR classification was not definite and imminent, especially considering its long history of delays over the past two years. Member McFerran also notes that, even if the elimination of the SSR classification were definite and imminent, the unit that existed at the time of the election was a "substantial and representative" complement of the projected smaller unit. *MJM Studios of New York, Inc.*, 336 NLRB 1255, 1256 (2001) (existing complement is substantial and representative when approximately 30 percent of the eventual complement is employed in 50 percent of the job classifications). An immediate election was therefore warranted among employees in both classifications.

Member McFerran further observes that because 7 SSRs were expected to become account managers, exclusion of the remaining 28 SSRs from the unit would not have changed the result of the election. Even assuming for the sake of argument that all 28 SSRs who would become merchandisers (and therefore not a part of the unit) had voted yes, and even if those 28 votes were subtracted from the total 46 votes, the result would still have been 18 to 16 in favor of the Union.

In finding the direction of an election appropriate, Member Emanuel would rely only on the Regional Director's determination that the Employer failed to show its proposed contraction of the petitioned-for bargaining unit was definite and imminent.

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., October 15, 2019.